

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Wildhorse Parks Road User's Assoc. land use license & easement
Proposed Implementation Date:	July 2012
Proponent:	Wildhorse Parks RUA
Location:	6 miles North of Drummond, MT. T12N, R13W, Section 36
County:	Powell and Granite Counties, Montana

I. TYPE AND PURPOSE OF ACTION

Wild Horse Parks Road User's Association (WHPRUA) is seeking legal access across state lands to sixteen private ownership parcels located in section 30 Township 12 North, Range 12 West. It is expected that access would be authorized in two phases – the first being the issuance of a land use license, with the applicant following with a permanent easement application.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

The Anaconda Unit and the Powell County Board of County Commissioners were contacted regarding this application.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

None

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

No Action

No authorized access would be granted. Currently proposed road work would close the road being utilized by WHPRUA, which would result in a loss of their sole and only access to their homes and cabins.

Action Alternative

A land use license would be issued, authorizing temporary use of the road and associated maintenance commensurate with use. Applicant would complete surveying requirements on the road under this license and may make application for a permanent easement at some time in the future. All revenues generated by the LUL and/or easement would benefit the Common Schools trust.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify direct, indirect, and cumulative effects to soils.

The geology includes mixed fine grained volcanic rocks and limestone. Bedrock exposed on ridges or at shallow depth is fractured and mainly common material or rippable and no unstable or unique geology features are present.

Soils are a complex of mainly deep cobbly clay loams on 0-30% slopes. Convex slopes and ridges have shallow to moderately deep cobbly clay loams (Helmville, Trapps) of moderate erosion risk and compaction. Concave and moderate slopes have deep cobbly clay loams (Bignell) and clay loam soils (Crow). Crow soils are localized to draw bottoms and moist meadows areas and has low soil strength when wet. Erosion potential is moderate to high and soils are subject to compaction and rutting if operated on when wet. Portions of the existing road were poorly located in the past with some steep grades and across concave swales with clay rich soils.

No Action – No authorized access would be granted. Currently proposed road work would close the road being utilized by WHPRUA, which would result in a loss of their sole and only access to their homes and cabins.

Action Alternative - WHPRUA request is for year-round motorized access. As such, applicant would be required to mitigate potential road damage caused by motorized year-round use by armoring drain dips along the existing route with fabric and 6" of crushed rock. Close inspection will be made of this road system, and further mitigative measures (such as additional fabric and rock placement on the road surface) may be required to protect soils should armoring of the drain dips not suffice.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify direct, indirect, and cumulative effects to water resources.

This area was analyzed most recently for the Rattler Gulch Permit & Road Closure project (December 2010, implementation June 2012). This project implemented many road closures designed to improve and repair road drainage in the area due to historically open recreational motorized use of the section.

In the area of the requested road usage, the headwater drainages of Black Bear Creek and Bear Creek originate, though the road itself does not cross the drainage. Repair of the roads in the Rattler Gulch Permit project constructed drain dips on the requested stretch of road to address any drainage and sedimentation issues. All structures needed for control of sedimentation have been installed.

No Action - No authorized access would be granted. Currently proposed road work would close the road being utilized by WHPRUA, which would result in a loss of their sole and only access to their homes and cabins.

Action Alternative - WHPRUA request is for year-round motorized access. As such, applicant would be required to mitigate sedimentation delivery concerns resulting from motorized year-round use by armoring drain dips along the existing route with fabric and 6" of crushed rock. Close inspection will be made of this road system, and further measures (such as additional fabric and rock placement on the road surface) may be required to protect water quality should armoring of the drain dips not suffice. As such, this project has low risk of direct, indirect or cumulative effects to water quality or water resources.

6. AIR QUALITY:

What pollutants or particulate would be produced (i.e. particulate matter from road use or harvesting, slash pile burning, prescribed burning, etc)? Identify the Airshed and Impact Zone (if any) according to the Montana/Idaho Airshed Group. Identify direct, indirect, and cumulative effects to air quality.

No Action – There would be no direct, indirect or cumulative effects to air quality should no permit be issued to WHPRUA for road use.

Action Alternative – There would be no direct, indirect or cumulative effects to air quality. Heavy equipment would operate for a minor amount of time to armor drain dips, and minor motorized residential use would occur year-round.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify direct, indirect, and cumulative effects to vegetation.

No rare plants have been identified in the project area.

No Action – The road requested by WHPRUA is existing, and would be utilized for forest management activities. As such, there would be no direct, indirect or cumulative effects to vegetation should no permit be issued to WHPRUA for road use.

Action Alternative – The road requested by WHPRUA is existing, and as such, the granting of a road use permit would not result in direct, indirect or cumulative effects to vegetation. WHPRUA would be required to manage the road for noxious weeds, which are mainly spotted knapweed and houndstongue. Equipment brought in to armor the drain dips would be required to be cleaned and washed prior to entry into the state section.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify direct, indirect, and cumulative effects to fish and wildlife.

The following species were considered but eliminated from detailed study due to lack of habitat present: Bald Eagle, Fisher, Peregrine Falcon, Black-backed Woodpecker, big game winter range, Common Loon, Harlequin Duck, Townsend's Big-eared Bat, Coeur d'Alene Salamander, Northern Bog Lemming, Mountain Plover, and Columbian Sharp-tailed Grouse.

Pileated woodpecker and Flamulated owl habitat is present on the state parcel. Recent road closures are likely to have provided a net benefit to habitat.

The road utilized by the WHPRUA does not cross any fish supporting streams.

No Action – There would be no direct, indirect or cumulative effects to terrestrial, avian, or aquatic habitats.

Action Alternative – The road requested for use by WHPRUA is existing and has been open and notoriously used by both the homeowners and the public for many years. WHPRUA road use would be controlled with a locked gate, reducing open public use of habitat area. There may be minor indirect effects to terrestrial and avian habitats, but recent road closures, including the gated entry to the WHPRUA road, would actually result in a net benefit to habitat because of the restriction on open public use of the road system.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify direct, indirect, and cumulative effects to these species and their habitat.

No Federally listed threatened and endangered fish species or critical habitat for threatened and endangered fish species as designated by the USFWS would be affected by this project.

Grizzly Bear— The affected parcel is located in occupied grizzly bear habitat, and approximately 21 miles southwest of the Northern Continental Divide Ecosystem grizzly bear recovery area. The proposed action would gate the WHPRUA road, reducing motorized public access to the area to only those members of the WHPRUA. By gating and controlling access, grizzly bear habitat would likely be improved. As a result, there would likely be low risk of negative direct, indirect, or cumulative effects to this species from the proposed action.

Gray Wolf—The affected parcel is located within 3 miles of the range formerly occupied by the Elevation Mountain pack. This pack was removed from the population in 2010 due to repeated conflicts with livestock. Because the proposed action would reduce the amount of open roads by approximately 4.6 miles, there would likely be low risk of direct, indirect, or cumulative effects to wolves as a result of the proposed action. However, should a wolf den or rendezvous site occur within 1 mile of the affected parcel, a DNRC wildlife biologist would be consulted to develop further mitigation measures (as per ARM 36.11.430).

Lynx—Based on habitat type, and existing lynx habitat definitions under the Forest Management ARMs, there currently is no lynx habitat within the project area (Stand Level Inventory data). However, the affected parcel, as is much of the Garnet Range, is currently classified as Critical Habitat for lynx by the U.S. Fish & Wildlife Service (USFWS). WHPRUA has secured easements from BLM-controlled roads in the area, therefore no Federal action would be required to implement the proposed action. Thus, there would likely be low risk of direct, indirect, or cumulative effects to lynx as a result of the proposed action.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine direct, indirect, and cumulative effects to historical, archaeological or paleontological resources.

DNRC Archaeologist, Patrick Rennie, was contacted. No historical, archaeological or paleontological resources have been identified.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify direct, indirect, and cumulative effects to aesthetics.

The project area is not within any viewshed or visible from populated scenic areas. No un-acceptable impacts are anticipated under either alternative.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify direct, indirect, and cumulative effects to environmental resources.

No impacts are anticipated under either alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

Rattler Gulch Permit & Road Closure EA (December 2010); Sturgeon & King Mountain Conservation Easement and Douglas Creek WMA Acquisition (FWP September 2011)

Under either alternative, there would be no impacts anticipated to the current and future proposed actions in the analysis area.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No impacts are anticipated under either alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

The section is currently leased for 98 AUM's. The road requested by the WHPRUA is existing, and no change is anticipated under either alternative.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify direct, indirect, and cumulative effects to the employment market.

Under the action alternative, a minor amount of employment would be created due to regular and ordinary maintenance of the road by the WHPRUA.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify direct, indirect, and cumulative effects to taxes and revenue.

No Action – There would be no impacts to local and state tax base and tax revenues.

Action Alternative - Local and state tax base and tax revenues may increase due to the homes within WHPRUA gaining legal access to their properties.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify direct, indirect, and cumulative effects of this and other projects on government services

None anticipated with either alternative. The WHPRUA has existing homes that have been accessed for years on this existing road system. The granting of legal access would have no changes in the need for fire protection, police or schools.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Powell County Comprehensive Plan, Powell County Zoning Regulations.

These plans would have no affect on this proposal under either alternative.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify direct, indirect, and cumulative effects to recreational and wilderness activities.

Under either alternative, the road requested by WHPRUA would be gated and restricted to walk-in public access through the Rattler Gulch Permit and Road Closure project. As a result, there would be no direct, indirect or cumulative effects to recreational and wilderness activities due to the WHPRUA proposal.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.

Homes in WHPRUA are existing. An existing easement granted by The Nature Conservancy restricts development on the lots to no more than one home per lot.

No Action – Without legal access through the state section, it is hard to determine what the homeowners would do to access their property.

Action Alternative – As a result of gaining access to their home sites, the granting of access to WHPRUA would have minor effects to density and distribution of housing and population due to the fact that several of the lots have not yet been developed and may at some time in the future.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

N/A

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

No impacts are anticipated under either alternative.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.

The action alternative will generate licensing revenues of \$150/year. Should a permanent easement be approved by the Land Board, a one time payment for land value and the 1% conveyance fee would be made to the Common School Trust Fund.

EA Checklist Prepared By:	Name: Dana Boruch	Date: August 1, 2012
	Title: Right of Way Specialist	

V. FINDING

25. ALTERNATIVE SELECTED:

Action Alternative

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

No significant potential impacts.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:☐

EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Fred Staedler
	Title: Unit Manager
Signature: /s/ Fred Staedler	
Date: August 2, 2012	